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EXAMINER RUDY, ANDREW J				
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/474,671  
Filing Date: December 29, 1999  
Appellant(s): MOLLETT ET AL.

\_\_\_\_\_  
Mark D. Chuey, Ph.D.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed June 3, 2004 and the June 29, 2006 Reply Brief appealing from the Office action mailed December 19, 2003.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,064,987	Walker	5-2000
5,679,940	Templeton	10-1997

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, line 10, "the time period" lacks antecedent basis. It is not clear if "the time period" is the "one time period from line 2 or "each o" the at least one time period" from lines 5 or 8. As is it is not clear what is being referenced.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Templeton.

Walker discloses a system for approving a money limit for a time period comprising: storing historical data in a central controller 12 and authorizing the charge, e.g. 362, of an entity if a credit score, e.g. cols. 10-11, is acceptable so that funds may

be collected over a time period, e.g. installment plan database 50, Fig. 13, depending upon the classification of the entity from a plurality of stores, e.g. 14, 16, 18. The credit scoring of Walker is deemed to be within a range of scores and is deemed to comprise the word scrubbed. Walker does not specifically disclose a check cashing and a check writer using his system, though he does disclose credit situations that are parallel to check writing.

Templeton discloses, e.g. Fig. 1, a method using a computer for determining whether to collect from check writers from data comprising a negative file 85, a positive file 87 containing identification information and a credit risk scoring algorithm, e.g. cols. 12-14.

Templeton does not specifically indicate a time period, but does indicate that the negative file 85 is "continuously updated" (col. 12, line 59) and that the positive file 87 is used (col. 13, lines 18-34) to determine suitability of cashing a check. Templeton inherently contains categories to ascertain whether a check will be honored or not. It is common knowledge and well known in the art that various specified time periods are used by financial institutions, e.g. a bank or a traditional "mom and pop" grocery store, when assessing whether or not to cash a check, e.g. an entity may hold ones check over a time period before deciding to cash the check.

To have provided the various specified time periods for Walker to have comprised a checking system similar to Templeton, would have been obvious to one of ordinary skill in the art. Doing such would use well known time period factors to provide a more complete and updated database fro risk assessment when cashing a check. To

have provided the negative file of Walker, as modified by Templeton, to comprise a scrubbed file would have been obvious to one of ordinary skill in the art.

**(10) Response to Argument**

Applicant's ARGUMENTS regarding the rejection of claims 1-6, 8 and 9 under 35 U.S.C. 103 are noted, but not agreed with.

Applicant's assertion that Walker does not show a time period or money limit or check cashing is opposite to Walker's disclosure, e.g. cols. 9-10, lines 54-23. Initially, it is noted that intended use, e.g. "for a time period" recited in claim 1 do not provide positive claim recitations that further limit Applicant's method claims. Nonetheless, the time period in Walker is indirectly referenced when the when the account is in good standing and not past due. To be past due there must be a time period, e.g. a monthly account statement, that the purchaser of the credit must, generally, pay off in total or an appropriate portion thereof, a suitable balance in order to have access to the financial account. It has been common knowledge that time periods are used in both the credit and check cashing industry to facilitate accounting and transaction objectives, e.g. to verify whether a user has a proper credit history and financial resources to cover the requested fund transfer. The electronic credit card purchases disclosed by Walker encompass in broad scope and content the check cashing language recited by Applicant. Apparently, Applicant implies or would have one believe a traditional "paper" check is required from the claim language. No such limitations exists within the claim language. As recited, an electronic check credit card fully meets Applicant's claim language.

Applicant's ARGUMENTS that no attempt to match the recited elements of Applicant's claims to Walker is noted. See Paper No. 15, pages 4-5, for matching limitations that meet in broad scope and content Applicant's claim language.

Similarly, Applicant's assertion that Templeton does not show a checking function on any time period is opposite to Templeton's disclosure. Though Templeton does not explicitly disclose a time period, it would be inherent aspect of Templeton's disclosure. The real-time updating of file information, e.g. 85, 87, of Templeton, fully meets the broad scope and content of Applicant's "time period" referenced. As is, the time period may be as short as a nano-second or as long as a year (or longer) to fully meet Applicant's claim language. In sum, the real-time period parameters disclosed by Templeton fully meet Applicant's claim language.

The assertion that the Examiner robs Applicant of the ability to properly from an argument rebutting obviousness or to narrow the claims around the prior art are subjective comments. However, the Examiner is not in agreement with this assertion.

Regarding subscores from claim 3, the positive file 87 and negative file 85 are deemed in broad scope and content to fully encompass this term. Further, the historical approval criteria data of Walker may be viewed to comprise a subscore. As is, the claim 3 terminology does not define over Walker, as modified by Templeton.

Regarding claim 8, as understood, the historical approval criteria data of Walker may be viewed as meeting the claim terminology for approving a check cashing request for each time period being considered. Thus, claim 8, as understood, does not define over Walker, as modified by Templeton.

Regarding claim 9, the historical approval criteria data of Walker may be viewed as meeting the claim terminology for approving a check cashing request for each time period being considered. Further, allowing a check writer to reach his/her credit limit over a specified time period after having a previous financial transaction has been approved have been common knowledge in check cashing systems. Both the Walker and Templeton systems allow for this function to be performed. Thus, claim 9 does not define over Walker, as modified by Templeton.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Andrew Joseph Rudy/  
Primary Examiner, Art Unit 3627  
February 12, 2008

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